

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval For Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 12, Great Lakes Acquisition Center, 115 South 84<sup>th</sup> Street, Milwaukee, WI 53214

2. **Nature and/or Description of the Action Being Processed:**

This is a brand name justification for the Jesse Brown VA Medical Center's plan to procure fifteen (15) Fresenius 2008T Hemodialysis Machines. A new firm-fixed price, open market contract will result from this brand name only procurement.

3. **Description of Supplies/Services Required to Meet the Agency's Needs:**

Dialysis machines mix and monitor the dialysate. Dialysate is the fluid that helps remove the unwanted waste products from your blood. It also helps get your electrolytes and minerals to their proper levels in your body. The machine also monitors the flow of your blood while it is outside the body.

The Jesse Brown VA Medical Center plan to procure fifteen (15) Fresenius 2008T System w/ CDX (Clinical Data Exchange) Systems.

The IGCE for this requirement is \$230,250.00.

The estimated delivery date will be 30 days after receipt of award.

4. **Statutory Authority Permitting Other than Full and Open Competition:**

- ( X ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

Dialysis treatments at Jesse Brown VA Medical Center, are currently performed using the Fresenius 2008T. It is necessary to procure the same model of dialysis machine to maintain uniformity and interchangeability with parts in existing inventory. It is also beneficial to

maintain one model of dialysis machines due to familiarity with the equipment and less confusion and error between using two different machines. The VA will also save money by not having to train existing employees on a new machine and by not having to train new employees on 2 different machines.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

An intent to sole source was posted on 8/27/2013, inviting interested persons to identify their interest and capability to response to the requirement or submit quotes if possible. 1 response was received from a small business, providing a capability statement and a previous VA award letter from having supplied Fresenius 2008T Dialysis Chairs. The decision was made to compete this procurement by brand name only verses sole sourcing to the manufacturer.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The anticipated cost to the Government will be fair and reasonable in comparison to a past procurement for Fresenius 2008T Dialysis Chairs purchased for the Milo C. Huempfer OPC in Green Bay, WI – VA69D-13-C-0186 and in comparison to other responses received.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

It has been determined that the Fresenius 2008T Dialysis Chairs (by brand name or equal) is not available through a NAC contractor, nor a GSA contract. An intent to sole source posted to FBO on 8/27/2013 revealed that there are potential resellers. This procurement is subject to NAICS 334510 and has a size standard of 500 employees. Fresenius USA is a large business. Although 334510 has a class waiver for SB set-asides, market research does not indicated that 2 or more small businesses can provide the Fresenius 2008T Hemodialysis Chairs, so no reasonable expectation exists.

9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**  
N/A

10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**  
N/A

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**  
N/A

12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Diana Williams, Admin Officer

Name

Title

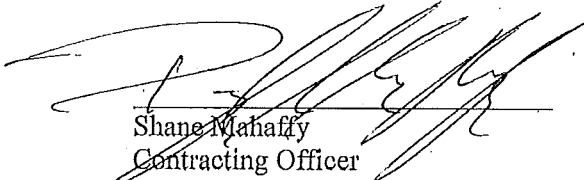
Jesse Brown VA Medical Center

8-28-13

Date

**13. Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Shane Mahaffy

Contracting Officer

Network Contracting Office 12, Great Lakes Acquisition Center

9/13/13

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

Christine Hansen

Christine Hansen

Network Contract Manager

Network Contracting Office 12, Great Lakes Acquisition Center

Date

9/16/2013